

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN D. LAMBERTSON,
Plaintiff,
v.
G. D. LEWIS,
Defendant.

Case No. [12-cv-05122-JD](#)

ORDER DISMISSING CASE

Plaintiff, a state prisoner, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. Plaintiff alleges that three Doe defendants failed to protect him from an assault by other inmates. While this claim is sufficient to proceed plaintiff must provide the identities of the defendants for service. Plaintiff was informed that he may seek such information through the California Public Records Act or any other means available such as seeking reports from his central file concerning the incident. Plaintiff was also sent Court document subpoenas with instructions on three separate occasions. Docket Nos. 60, 64, 72. Plaintiff was informed that he should fill out the subpoenas and return them to the Court so that the Clerk may issue the subpoena and the Marshal may serve it on the subpoenaed party. Plaintiff was told that he needed to fill in all of the necessary information, but must leave the signature line blank so that the Clerk may sign it. This is because as a pro se litigant, plaintiff needs the Court's Clerk to issue a subpoena. Fed. R. Civ. P. 45(a)(3).


Plaintiff has still not returned the subpoenas to the Court. On December 14, 2016, plaintiff was provided 21 days to either return the subpoenas to the Court or inform the Court of the identities if he had discovered that information. He was informed that failure to respond would result in dismissal of this case.

1 The time to respond has passed and plaintiff has failed to return the subpoenas, inform the
2 Court of the identities of the defendants, or otherwise communicate with the Court. Because
3 plaintiff has failed to comply with Court orders or prosecute this case over many months, this
4 action is **DISMISSED** pursuant to Fed. R. Civ. P. 41(b). The clerk shall close this case.

5 **IT IS SO ORDERED.**

6 Dated: January 17, 2017

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JAMES DONATO
United States District Judge

United States District Court
Northern District of California

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CERTIFICATE OF SERVICE

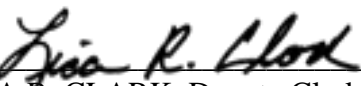
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 17, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John D. Lambertson ID: V92821
Kern Valley State Prison
P.O. Box 5103
Delano, CA 93216

Dated: January 17, 2017

Susan Y. Soong
Clerk, United States District Court

By: 
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO